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2 **IN THE UNITED STATES DISTRICT COURT FOR THE**
3 **WESTERN DISTRICT OF MISSOURI**
 SOUTHERN DIVISION

4 **UNITED STATES OF AMERICA,**) **Case No. 16-05025-01-CR-SW-BP**
)
5 **Plaintiff,**) **Springfield, Missouri**
) **May 3, 2017**
6 **v.**)
)
7 **DELBERT CLAY FEEZELL,**)
)
8 **Defendant.**)
)
_____)

9
10 **TRANSCRIPT OF HEARING ON MOTION TO DETERMINE COMPETENCY**
11 **BEFORE THE HONORABLE DAVID P. RUSH**
 UNITED STATES MAGISTRATE JUDGE

12 **APPEARANCES:**

13 For the Plaintiff: Mr. James J. Kelleher
 Assistant United States Attorney
14 901 St. Louis St., Ste. 500
 Springfield, MO 65806
 (417) 831-4406

15 For the Defendant: Ms. Ann M. Koszuth
16 Federal Public Defender's Office
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25 Proceedings recorded by electronic sound recording, transcript
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1 (Court in Session at 10:29 a.m.)

2 THE COURT: Calling in *United States vs. Delbert*
3 *Feezell*. The defendant appears in person along with his
4 attorney, Ms. Ann Koszuth. The United States appears by
5 Assistant United States Attorney, Mr. Jim Kelleher. Counsel for
6 defendant previously filed a motion pursuant to 18 U.S.C.
7 Sections 4241 and 4242, requesting that the defendant undergo an
8 examination to determine defendant's competency to stand trial
9 and his sanity at the time of the alleged offense. Defendant's
10 motion was granted by the Court and the Court ordered a
11 psychological examination be performed. The mental health
12 evaluation has been completed and a report has been submitted to
13 the Court. The Court will take judicial notice of the report
14 which is part of the record. Ms. Koszuth, does the defendant
15 have any evidence that he would like to submit to the Court for
16 consideration of these issues?

17 MS. KOSZUTH: Nothing other than the reports you
18 mentioned, Your Honor.

19 THE COURT: All right. Thank you, Ms. Koszuth. Mr.
20 Kelleher, does the United States have any evidence that they
21 would like to submit to the Court for consideration of these
22 issues?

23 MR. KELLEHER: No, Your Honor.

24 THE COURT: All right. Thank you. The Court will take
25 this matter as submitted on the record and reach a decision

1 promptly. If there's nothing further, we'll be in recess. Thank
2 you.

3 MS. KOSZUTH: Thank you.

4 (Court Adjourned at 10:31 a.m.)
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5 I certify that the foregoing is a correct transcript
6 from the electronic sound recording of the proceeding in the
7 above-entitled matter.

8 /s/ Lissa C. Whittaker
9 Signature of transcriber

May 16, 2017
Date